

EXHIBIT 4

(Second Declaration of Nicholas Del Rosso)

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:20-cv-00954-WO-JLW**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and
VITAL MANAGEMENT SERVICES,
INC.,

Defendants.

**SECOND DECLARATION OF
NICHOLAS DEL ROSSO**

I, **Nicholas Del Rosso**, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury the following:

1. I am the President and owner of Vital Management Services, Inc. (“VMS”), a North Carolina corporation.

2. I am over the age of eighteen years of age and competent to testify as to the matters set forth in this Declaration.

3. On June 2, 2020, I spoke with Yuri Koshkin (“Mr. Koshkin”), the principal of Trident Group, which is a corporate risk management consultancy. Mr. Koshkin contacted me concerning potential dispute resolution opportunities related to the Ras al Khaimah Investment Authority’s (“RAKIA”) fraud lawsuit against Farhad Azima in the High Court of Justice in London, Claim No. HC-2016-002798 (the “English Proceeding”). A true and accurate

transcription of audio recordings of my confidential discussions with Mr. Koshkin on June 2, 2020 are attached hereto as **Exhibit A** and filed under seal.

4. Based on previous conversations with Mr. Koshkin, I understood that Mr. Koshkin was assisting Dmitri Vozionav (“Mr. Vozionav”), who is a legal strategist working with the Eurasian Natural Resources Corporation and Farhad Azima, among other parties with an adverse relationship to Dechert LLP.

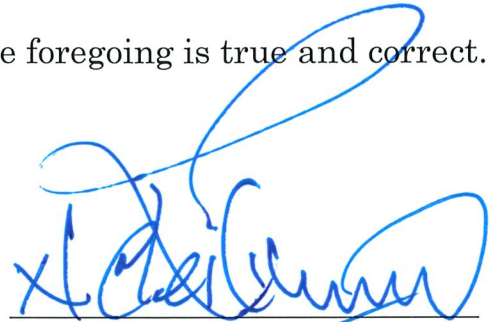
5. Mr. Koshkin called me to discuss a document that he had received from Mr. Vozionav, which he asked me to keep in confidence. Mr. Koshkin told me that Mr. Vozionav hoped that I would consider the document and, if appropriate, pass on to representatives of RAKIA with whom I had been in contact in relation to the English Proceeding. A true and accurate copy of the briefing from Mr. Vozionav that I received from Mr. Koshkin on June 2, 2020 is attached hereto as **Exhibit B** and filed under seal.

6. On or about October 13, 2020, Mr. Koshkin contacted me to inform me that “DV,” who I understood was Mr. Vozianov, was authorized to negotiate a lawsuit that Plaintiff threatened to file against me. Mr. Koshkin provided me with the same copy of the unfiled draft lawsuit that Plaintiff’s counsel sent to me at the same time through a demand letter. True and accurate copy of Mr.

Koshkin's confidential settlement communications to me on behalf of Messrs. Vozianov and Azima are attached hereto as **Exhibit C** and filed under seal.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 9, 2023.



Nicholas Del Rosso

EXHIBIT 4A

(June 2, 2020 transcript)

Segment One – June 6, 2020 Call – 12:39 PM

Nick: Hello.

Yuri: Hello.

Nick: Hey, how you doing?

Yuri: Good, thanks.

Nick: Yeah, yeah, yeah, sorry, I was just listening to some music. I just heard the phone.

Male 2: Oh, okay.

Nick: How you doing?

Yuri: Good, it's warm and humid.

Nick: Yeah. It is that. I apologize about you were talking about Mark Millie the other day weren't you? For the [inaudible] into the square and I thought for some reason I thought you were talking about the former admiral who was joint chief of staff, I can't remember his name now, Mike McMullin.

Yuri: Yeah, yeah, the admiral.

Nick: Yeah. I have to agree with you, it wasn't very good optics at all.

Yuri: Yeah and you still got a doesn't look good. I-I-I-I don't know. I'm intrigued to see the developments in Buffalo.

Nick: Yeah.

Yuri: When what 58 cops resigned in protest.

Nick: No, I haven't seen that. 58 resigned at the officers being charged or--?

Yuri: Yeah, yeah. That's be treatment or mistreatment. You know, depending on the point of view so that this really is developing in a quite a confrontational situation. The cops are starting to fight back. I don't know where it's going to lead I think there's some serious mediation may be required.

Nick: Probably, unlikely under this administration. They seem to want more conflict.

Yuri: Yeah, that's true. But anyways, so there's Andrew Cuomo is talking about the Mayor of Buffalo, yeah, I-I-I-I don't know and it may develop into a serious law enforcement crisis. 58 people, even for a big city like Buffalo is not an insubstantial number of cops.

Nick: Yeah, there always seems to be sort of an over, not saying that it isn't justified in the terms of the way people get treated but there always seems to be an over-reaction. Everybody jumps on a bandwagon. Both sides of the fence and--

Yuri: Absolutely. I mean it's the proverbial pendulum swinging back and forth. It is going to take some time and effort until it balances out.

Nick: Do you see that happening? I don't know, this country is so divided. It's kind of scary.

Yuri: It is indeed.

Nick: Bringing children up in this environment is quite worried. Forget what's going on around us in health scope, but just in this the issues that are going on outside here. Outside is actually race and police [inaudible]. Anyhow, I don't think I'm in a position to just sort it all out so.

Yuri: No, no, not even trying to.

Nick: Anyway, you come back with an interest and comments and I thought maybe I should follow up and have a chat as you suggested. Where are we at the moment in terms of--?

Yuri: Yeah, so—All items.

Nick: Serious conflict.

Yuri: Yes, indeed, so I had a very long discussion with him yesterday. It went down for for about an hour or so. I don't think it was really deserving that long because he was kind of beating up on the on some issues that were clearly and much succinctly spelled out in that paper or document that I sent you, which he...

Nick: You sent me a document?

Yuri: Yeah, you didn't see it?

Nick: No.

Yuri: Hum. Hold on a sec. Let me see. You sent me—Okay, yesterday at 1:15 I sent you document .pdf called "RAK."

Nick: Do you mind if I just take a quick look for that?

Yuri: Of course.

Nick: You sent it on this Signal?

Yuri: Yeah.

Nick: I didn't see it.

Yuri: Okay, let me resend it to you because it's rather critical two-pager I think it's important that you read it before we--

Nick: Okay, I'll take a quick read of it and come back to you.

Yuri: Okay.

Nick: Alright. Thanks.

Yuri: I'll talk to you then.

Nick: Okay, bye.

Segment One – June 6, 2020 Call – 1:04 PM

Yuri: Hey, Nick.

Nick: Hey, Yuri, thanks for that. I'm sorry I didn't see it yesterday, it isn't on my system.

Yuri: That's alright.

Nick: It may not have been received.

Yuri: Do you need more time to digest?

Nick: No, I think I got the general gist of it.

Yuri: Okay, alright.

Nick: So, it's a question really of, I think, trying to find somewhere in between there and people I'm representing. I'm not sure there would be much disagreement with some of the sentiments exposed in that; but of course, I wouldn't want that to be seen as an official thought.

Yuri: Right.

Nick: But I just don't, don't think there's much disagreement and you know if there's a means of finding some, well let's just say some way of talking this through, that would be a helpful step forward.

Yuri: Alright. Let me give you a bit of a background and maybe you'll take a little time to chew on that paper that I think pretty much represents their official position at this stage. And the notes that I was making when we were talking to give it a bit of background and perspective and then obviously you will have to talk to your folks there. Alright, so, I think it might be helpful to backtrack a little bit. First of all, he apologized for not telling me earlier that they do bankroll him. And he said, I feel bad about this because--

Nick: –There’s really no reason – It doesn’t matter one way or another.

Yuri: Yeah, that’s true but I think he was kind of explaining why he was unforthcoming because I put him on the spot and he couldn’t say before going back to the people and so on. So, he told me that, in historical background that they went to Dechert at the end of 2017, November/December, and actually contacted Andy Levander who was I think CCR or chairman or whatever in New York.

Nick: Yeah, he’s up there somewhere. I don’t think I’ve met him. He’s one of the higher ups.

Yuri: Right, right; and they presented their presentation and their complaints against Neil. So they took some time, about 10 days or so, and then they said that there was no proof and that they didn’t think that there was any legal stance that those guys had. It’s reached a point he said because they decided because he said they came essentially in his words with a position of peace saying: if Neil came clean and explained everything that happened, then they would find a way to resolve this. But this didn’t happen and so they really went after him and because Dechert was not cooperating, they essentially made Dechert a “co-conspirator” with him. He said that man that he would cooperate with anyone who was fighting with Neil. He said Azima came to them sometime in 2018 and put his position on the table saying that they had common interest in... cornering Neil, explaining that this was his MO, that he made a lot of people unhappy, and that he was prepared to tell them everything that he knew and share all information he had to facilitate their case. So, essentially, it was money in exchange for information. But he said that at the same time, we did see value in Azima’s litigation. He guessed RAK – to the extent that it was aimed at Neil and hurt him more than RAK. He said we really never cared about RAK, that was never about that. So, he said essentially our goal, and I sense that. But yesterday it came across very strongly that they’re really obsessed about Neil and they are pulling out all their stops. You know, he said when he mentioned that Neil caused them a billion dollars in the past 10 years, I said that’s kind of steep. And he said, well you have to understand that the situation that he created with all the publicity and leaks and SFO and litigation and all that. He said this resulted in the fact that we are still fighting it out with SFO. We get no financing, no Western banks will finance us. Finances, all the financing is going through African and Russian banks. And he said we have the likes of UBS and Credit Suisse, and HSBC telling us “guys, we’d love to have you back you know we just waiting as soon as you have this thing removed and come from under the cloud, you know, we’ll give you great terms” and such. So, anyway, I think part of it is business and money and part of it is just revenge. So, anyways, he made a big deal out of this one of the points that is mentioned in this document that I sent you that Neil intentionally put a proviso of litigating in London versus UAE or one of the ICCs, you know, Paris, Zurich or whatever, and of course found out that was part of his MO. So, having said all that—he said that the—he said I believe we have leverage over Azima. Yeah, and he said that we would think we can prevent him from filing an appeal and from counter-suing. He said it’s likely going to cost us some money because he’s going complain that they’re going to abandon him and

said but we'll figure that out. What he said we want in return is we want all the information that your client has with regard to Neil. He said we are not so much concern about Page, he said he's a secondary figure. But Neil and Dechert that can help us in our litigation. Because he said, their position with regard to Neil is anything they can find that advances their case and undermines his that they are prepared to grab and exploit information that they can use at the trial which is coming up next year, I think.

Nick: Yeah, I read that [inaudible].

Yuri: Right, right.

Nick: [inaudible] not sure.

Yuri: Correct, he said anything including his character, other cases, other situations, anything that they think they can throw at him. So, they want information and secondly he said we'd like to see KAS, what's his name, Al Sadeq?

Nick: Yeah, Al Sadeq.

Yuri: Al Sadeq released from detention and I said well why is that? And he said well because he's suing Neil and he said you will notice that he's suing Neil but not RAK. I said yes, I noticed that and he said but we understand this is not a coincidence. So, I said, are you saying that you are financing that litigation as well? And he said, well, I wouldn't want to discuss that but let me just tell you that it's not a simple oversight that RAK is not named there but Neil is.

Nick: And it's meant as a positive is it?

Yuri: Correct. He also said that Azima was planning to file an action in Washington, DC.

Nick: He has filed one, actually, in DC.

Yuri: He has?

Nick: Yeah.

Yuri: He was trying to explain--

Nick: 2016. It's still open, pending the outcome of the other case in London.

Yuri: Yeah, I think he was referring to something else. He said that there is international arbitration, that he sounded a bit vague and uncertain but he said there's a certain venue that allows parties that were victims of other countries, governments of other countries outside the US to file for action in the US in Washington.

Nick: Yeah. We've already had one successful suit they filed against Iran. Azima's girlfriend filed a suit against Iran. I think she got awarded, actually I think a \$1 million or something, maybe more than that.

Yuri: Okay. Yeah, I think I read about that. But anyway, his position, his point was that Azima wanted them to finance that as well and they said they would not. That this is not in line with their purposes. So, essentially this is it, he said if your client is prepared to share the information and to let Al Sadeq out so that he can go on with his life and pursue the suit against Neil, that we are going to support adequately. Because we are not in a position to tell the Ruler how to do that but we think he will benefit anyway because we do not believe that he had anything to do with Neil's methods and the way he was mistreated, he and his wife, and so on. He also said interestingly, he asked me, you know. What is your conduit to the Ruler and I said I didn't know. I said there's someone that apparently, he trusts and who has the ear of the Ruler and he said must be Handjani And I said I don't know, but anyway I don't know whether that means anything to you.

Nick: I don't know.

Yuri: Yeah, so anyhow, here's where we are.

Nick: Okay, interesting. I assume from your side, lawyers are not involved and not on our side would be premature for us to talk to I think, let me talk with my "conduit" and speak with the power. I hear you loud and clear.

Yuri: That was exactly my reaction as well Nick, when he started talking about some details how that can work in and I said, Dmitri, let's not go into that now. I said, I see 3 or 4 major milestones here. One, is that you're going after Neil and Dechert and not RAK, you do not see RAK. You do not see RAK as a foe. That's number 1. Number 2 is that we are going to use every piece of information that you can get, facilitates and promotes your case. Number 3 is that you have been financing Azima but you are prepared to stop doing that if you come to the conclusion and that—if the—I mean to an agreement and the last point is that Al Sadeq is important to you and you are willing to continue to support him in his quest against Neil Gerrard but to no detriment to my client and he did emphasize it several times that they will make sure that Al Sadeq will have nothing bad to say about the Ruler and the ultimate client.

Nick: I appreciate your efforts, Yuri, it's a helpful conversation. Give me a couple of days and I'll return to you. Yeah, very interesting. I take it as a good sign, or a sign of good faith.

Yuri: Yeah, I think it's a positive step. I also like vibes, I didn't think he was--

Nick: Yuri, just one final question on that before I let you slide off. Do you think he has the ability to make that statement. I mean its not like if I go and talk to somebody up the road, or up the line from me, they are going to say does this guy have authority?

Yuri: He does, he does. He's careful in saying that he needs to discuss with the client each time, you know, each time we spoke he said I need to go back and work on that but essentially he is the one who coordinates legal policy with information support policy with the overall strategy, so he's right in the middle of that. And this is what he has been doing for the past dozen years that I've known him.

Nick: Okay.

Yuri: For a number of very wealthy individuals and organizations.

Nick: Understood. Alright, Yuri, thank you. I appreciate the time you've taken [inaudible].

Yuri: Alright, enjoy the rest of your weekend.

Nick: Yeah, you too. Thanks, Yuri. Take care now.

Yuri: Thank you.

EXHIBIT 4B

(Document from Vozionav)

ENRC has **no interest in RAK**, whether economic or political.

ENRC has **no interest in RAK – Khater Massad dispute**, and no arrangements/agreed strategy with Khater Massad.

ENRC has a history of relationship and **interest in Neil Gerrard** and therefore closely follows a number of disputes in various jurisdictions involving Neil Gerrard. That includes RAKIA v Azima proceedings and Karam Al Sadeq v Neil Gerrard proceedings.

Neil Gerrard and ENRC

Neil Gerrard was ENRC's solicitor in 2010-2013. It turns out that during his engagement and following termination of his engagement by ENRC **Neil Gerrard acted against the interests of his client** with a view to (a) expose ENRC to the maximum regulatory and criminal risks, and (b) generate work for himself and his team and inflate his fees. His actions included (a) conspiring with government officials to launch investigation into ENRC (b) hacking his own client (c) leaking ENRC's confidential information to the press and to the government officials (d) orchestrating campaign of disinformation and threats among the management of ENRC so that he could continue his "investigation".

Over the years ENRC suffered a **damage in excess of USD 1 billion** resulting from Neil Gerrard's actions.

Other cases and Neil Gerrard's pattern of behavior

Other cases demonstrate a **pattern of behavior of Neil Gerard**. First, he creates a messy situation involving his client. Second, he convinces the client that he is capable of resolving it. Finally, he does everything to generate maximum fees – usually by aggravating the existing problems of his client. This was the case with ENRC, which instead of having its compliance-related concerns resolved, found itself in the middle of long-running criminal investigation. This was the case with Airbus, which in addition to sky-high fees of Dechert had to pay record-breaking fines to settle the criminal case. Based on our knowledge of the Azima case, the same thing happens there.

RAKIA v Azima

Neil Gerrard convinced RAK that Azima was a key to uncovering wider fraud by Khater Massad. To do that he instructed Stewart Page to hack Azima. He then convinced RAK to sign a settlement agreement with Azima with a UK dispute resolution clause. That was a guarantee that any court proceedings would have to take place in the UK so that Neil Gerrard and his team can make more money. By (a) procuring hacking through notorious Stewart Page (b) doing it inaccurately, leaving multiple traces and (c) bringing court proceedings to London, **Neil Gerrard exposed his client RAK to significant risks**.

First, **RAK is now associated with criminal conduct** of well-known unsavory characters (see findings of UK court below). These characters – Page, Gerard and others – have damaged many third parties through the years.

Second, **RAK is now associated with running a false case in front of a UK court** – including a witness statement from the Ruler himself, which was completely unnecessary (see findings of UK court below).

Third, **allegations of human rights abuses in RAK are now a matter of public concern**. These allegations have been introduced into the case by RAKIA itself as part of the attack on alleged campaign by Azima.

Fourth, any **judgment amount against RAK**, should Azima prevail, will be significant.

On the other side of the scale, **the only potential benefit for RAK is an award of USD 4.2 m. of damages**. None of the above was necessary to progressed investigation into alleged frauds by Khater Massad.

Any attempt now to present these significant risks to the Ruler as a result of a “well-orchestrated multi-jurisdictional campaign” by “prominent rivals of the Emir” is nothing more than **avoiding responsibility for ill-conceived and fraudulent advice given to the Ruler before** to allow Neil Gerrard and Dechert to generate fees.

Judgment of Andrew Lennon QC (sitting as a Deputy Judge of the Chancery Division)

Date: 22 May 2020

59. ... It is regrettable that the Ruler chose not to attend the hearing or give evidence by video link as there were a number of issues on which he could have given relevant evidence. As the Ruler's witness statement was not tested by cross-examination, I do not propose to attach significant weight to it.

63. Counsel for Mr Azima submitted that Mr Gerrard gave dishonest evidence on key issues. He was also criticized for not referring to Mr Page and the Project Update in his witness statement. In my view, Mr Gerrard's witness statement should have dealt with the Project Update which was a clearly relevant document and one which, as he accepted in cross examination, was of concern to him when it was produced...

64. ... Counsel for Mr Azima submitted that Mr Page was a dishonest witness who lied about a number of matters. I consider that Mr Page was an unsatisfactory and unreliable witness. As I set out in greater detail in the context of the hacking claim, his witness statement was misleading in relation to two significant matters. ... His evidence in connection with the discovery of the hacked material was both internally inconsistent and at odds with the contemporary documents. ...

202. In order to make good its claim that Mr Azima procured and promoted false stories in the media, it was incumbent on RAKIA to establish that the stories which it was intended to publish about human rights violations were untrue. It has not done so. It appears that Project Clay intended to draw attention to actual cases of detention and illegality, not fabricated ones. The 2014 Amnesty International Report indicates that there were real grounds for concern about detention procedures in RAK. None of RAKIA's witnesses were in a position to refute the findings in that report.

271. It was submitted on behalf of Mr Azima that RAKIA's witnesses (Mr Buchanan, Mr Gerrard and the Ruler) deliberately minimized Mr Page's involvement and the importance of the Project Update in their witness statements. I consider that there was some substance to this criticism.

307. Mr Gerrard's explanation for the reference in the View from the Window document to Mr Azima's "orchestrating if not participating" in "numerous fraudulent activities" was confused. At one point he referred to the Project Update, although it had not alleged fraud against Mr Azima. He also referred to information provided to Mr Frank at a meeting attended by Mr Buchanan, although this meeting did not take place until later. ...

354. In my judgment, it is not enough for RAKIA to say that, because it is messy and unclear, its evidence as to how it discovered the hacked material should be accepted as true. There is no obvious reason why a truthful account of how it came across the evidence could not have been clear and coherent.

368.1 In the case of Dubai Aluminium v Al Alawi a subagent engaged by Mr Page had obtained confidential information using pretext calls, which Mr Justice Rix found to be illegal (and which Mr Page accepted was illegal). ...

368.2 Following Mr Page's engagement by the Board of Control for Cricket in India to investigate several board members and players, confidential e-mails passing between individuals (who were the subject of the inquiry) found their way to the media. Page Protective Services was accused of obtaining unauthorized access to those e-mails.

368.3 Most recently, Mr Page was associated with the theft of confidential documents by Israeli hackers. Sir Andrew Smith had noted in passing, in the course of a judgment in JSC BTA Bank v Ablyazov that the claimant was contacted in early 2016 by Mr Page who claimed to act for unnamed Israeli hackers who had extracted information from a computer belonging to a Mr Aggarwal, an accountant.

369. These cases highlight the fact that Mr Page operates in a world of covert surveillance in which agents acquire confidential information unlawfully and that Mr Page has dealings with such agents. It would be a reasonable inference to draw from these incidents that Mr Page has access to agents with the capacity to hack e-mails. ...

EXHIBIT 4C

(Settlement Communications from
Vozionov and Koshkin)



Yuri Koshkin @

1d



Yuri Koshkin

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Nick, warm greetings. Not a very good day, it appears. I was on the phone with DV for a long time. According to him, he is authorized to negotiate on Azima's behalf before 48 hrs expire. He had informed me on what they are offering and expecting in return. I can talk now or tomorrow.

17m ⓘ

On what? Have I missed something?



<  Yuri Koshkin @
🕒 1d



informed me on what they are offering and expecting in return. I can talk now or tomorrow.

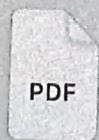
17m 🕒

On what? Have I missed something?

12m 🕒 ☑️

He told me you should have received a draft suit. I'll forward now.

11m 🕒



2020.10.13...closure.pdf

288 KB

10m 🕒

Yuri, thanks, I'll read it shortly and get back in due course.
V best

4m 🕒 ☑️

6:08



Yuri Koshkin @

1d



PDF

2020.10.10...closure.pdf

288 KB

44m

Yuri, thanks, I'll read it shortly
and get back in due course.
V best

37m

Yuri, let me understand what
is going on, Vozianov is
acting for Azima? How can
he do that? How can you
and he act for Azima when
the letter comes from Miller
Chevalier?

19m

New Messages

Nick, I am not acting for
Azima. Or anyone else, for
that matter.
DV called to say you should

New Messages

Nick, I am not acting for Azima. Or anyone else, for that matter.

DV called to say you should have gotten a document and he is sending me a copy. He told me that he is authorized to discuss a resolution for the next 48 hrs - if you are interested. He would prefer to do it with you directly or via me. However, through someone else, should you so choose.

1m ☺

1:31



Yuri Koshkin @

1d



told me that he is authorized to discuss a resolution for the next 48 hrs - if you are interested. He would prefer to do it with you directly or via me. However, through someone else, should you so choose.

Tue 6:06 PM

Got it

Tue 6:09 PM

Today

Nick, how are you?
Not terribly upset by the latest development. Please let me know if you want to talk and hear what DV asked me to pass on.

5m

8:16



Yuri Koshkin @

1d



Yuri Koshkin

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Yuri, thanks for the apology,
but not necessary; it's just
business, right? There's a lot
to think about and prefer if
we talk next week. Do take
care. V best

1m